



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,198	10/19/2001	Noriko Sugimoto	B422-170	3545

26272 7590 10/11/2006

COWAN LIEBOWITZ & LATMAN P.C.
JOHN J TORRENTE
1133 AVE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER

BOYCE, ANDRE D

ART UNIT	PAPER NUMBER
----------	--------------

3623

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,198

Applicant(s)

SUGIMOTO, NORIKO

Examiner

Andre Boyce

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-7 and 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 1, 2006 has been entered.
2. Claims 2, 4 and 7 have been amended. Claims 1, 8 and 9 have been canceled and claims 11-13 have been added. Claims 2-7 and 11-13 are pending.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. Claims 2, 3, 5-7 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fawcett et al (USPN 5,678,002), in view of in view of Phung et al (US 2002/0007237).

As per claim 11, Fawcett et al disclose a trouble management system capable of communicating, through a network, with a customer apparatus connected to a product (i.e., product support center, including product support

services (PSS) client/server messaging system, column 3, lines 60-62), or a service person's apparatus, comprising: first receiving means for receiving trouble information of the product (i.e., communications path established between the customer and the PSS, column 6, lines 4-9); diagnosing means for diagnosing whether or not there is a trouble with the product, in accordance with the check result received by said second receiving means (i.e., diagnostic application, column 10, lines 28-30); and transmitting control means for effecting control to transmit, to said customer apparatus, a message indicating a plan of measures against the trouble information if said diagnosing means determined that there is no trouble with the product (i.e., execution of resident or downloaded diagnostic application, wherein the results indicate that no trouble exists, column 10, lines 30-32, wherein diagnostic actions completed on the customer's computer are documented in a transaction log, column 11, lines 20-23), and transmit, to said service person's apparatus, information indicating a service request if said diagnosing means determines that there is a trouble with the product (i.e., the diagnostic interpreter's callback function parses the message, interprets the data and displays the result of the PSS engineer, column 9, lines 27-30, including the knowledge base diagnostic, column 14, lines 58-67).

Fawcett et al does not explicitly disclose determining means for determining whether or not a check item is necessary, on the basis of the trouble information received by said receiving means; transmitting means for

transmitting the check item relating to the product to said customer apparatus, if said determining means determines that the check item is necessary; and second receiving means for receiving, from said customer apparatus, a check result which is input to said customer apparatus on the basis of the check item transmitted by said transmitting means. Phung et al a trouble tree diagnostic routine guides the user to identify possible repair checks and actions (i.e., determination and transmission of a check item, ¶ 0048), wherein the system consists of a symptoms search (i.e., check item) and a customized diagnostic (¶ 0049). In addition, Phung et al disclose a call routine invoked to get diagnostic data from the vehicle system (i.e., receiving, from said customer apparatus, a check result, ¶ 0052). Both Fawcett and Phung are concerned with conducting product diagnosis over an electronic network. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include determining whether or not a check item is necessary, on the basis of the trouble information received by said receiving means; transmitting the check item relating to the product to said customer apparatus, if said determining means determines that the check item is necessary; and receiving, from said customer apparatus, a check result which is input to said customer apparatus on the basis of the check item transmitted in Fawcett et al, as seen in Phung et al, thus efficiently determining the cause and solution of a encountered problem, thereby making Fawcett et al more robust.

As per claim 2, Fawcett et al disclose analysis means for analyzing information about the trouble in the product (i.e., PSS 38 commands a remote diagnostic agent 50 on customer's computer 40 to execute a diagnostic application, column 10, lines 28-32); and search means for searching for the operation for resolving the trouble in the product on the basis of the result of said analysis (i.e., automatically sniff around customer's computer in order to gather diagnostic data and help troubleshoot, column 10, lines 44-47).

As per claim 3, Fawcett et al disclose analysis by said analysis means is performed on the side of a user using the product (i.e., PSS 38 commands a remote diagnostic agent 50 on customer's computer 40 to execute a diagnostic application, column 10, lines 28-32).

As per claim 5, Fawcett et al does not disclose management means for managing a guarantee period of the product, wherein said cost depends on the managed guarantee period. Phung et al discloses the product manufacturer absorbing all the costs related to troubleshooting and resolving failures covered by a warranty (§ 0005). Both Fawcett and Phung are concerned with conducting product diagnosis over an electronic network, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include managing a guarantee period of the product (i.e., warranty), wherein said cost depends on the warranty in Fawcett, as seen in Phung, thereby determining when the customer does not have to incur diagnostic and troubleshooting costs, as seen in Phung. As a result, the

customer service in Fawcett et al is improved, since the cost to the customer may be reduced.

As per claim 6, Fawcett et al disclose management means for managing information about specifications of the product (i.e., device manager diagnostic allows PSS engineer to retrieve the properties and characteristics of all hardware devices attached to computer, column 12, lines 48-50), wherein analysis by said analysis means depends on the managed information about the specifications (i.e., query a list of available devices and invoke device diagnostics, column 10, lines 35-36).

As per claim 7, Fawcett et al disclose storage means for storing contents of the operation actually performed to resolve the trouble in the product or results of the operation (i.e., the diagnostic interpreter remains in memory on the PSS side, column 11, lines 20-23 and 28-31).

Claim 12 is rejected based upon the same rationale as the rejection of claim 11, since it is the method claim corresponding to the system claim.

Claim 13 is rejected based upon the same rationale as the rejection of claim 11, since it is the storage medium claim corresponding to the system claim.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fawcett et al (USPN 5,678,002), in view of Skaaning et al (USPN 6,535,865).

As per claim 4, Fawcett et al does not explicitly disclose said notice means sends a notice of a cost or a time required for the operation. Skaaning et al disclose

estimating the cost of actions as a combination of multiple factors, including time to perform the action (column 21, lines 1-5). Both Fawcett and Skaaning are concerned with effective troubleshooting via a customer computer, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include sending notice of a cost in Fawcett, as seen in Skaaning, in order to determine which is the optimal step to perform (see Skaaning, column 21, lines 1-3), thus improving the efficiency in Fawcett.

Response to Arguments

6. In the Remarks, Applicant argues that none of the cited references teach or suggest a system second receiving means for receiving, from said customer apparatus, a check result which is input to said customer apparatus on the basis of the check item transmitted by said transmitting means; diagnosing means for diagnosing whether or not there is a trouble with the product, in accordance with the check result received by said second receiving means; and transmitting control means for effecting control to transmit, to said customer apparatus, a message indicating a plan of measures against the trouble information if said diagnosing means determined that there is no trouble with the product, and transmit, to said service person's apparatus, information indicating a service request if said diagnosing means determines that there is a trouble with the product. The Examiner respectfully disagrees and submits that Fawcett et al, in view of in view of Phung et al indeed disclose the limitations, as seen in the above rejection.

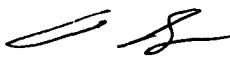
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571) 272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

adb
September 30, 2006


ANDRE BOYCE
PATENT EXAMINER
A.U. 3623